

The Edgefield Advertiser.

M. LABORDE, Editor.

"We will cling to the pillars of the temple of our liberties,
and if it must fall we will perish amidst its ruins."

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Any person procuring five Subscribers and becoming responsible for the same, shall receive the sixth copy gratis.

Advertisements conspicuously inserted at 62½ cents per square, for the first insertion, and 43½ cents for each continuance. Advertisements not having the number of insertions marked on them, will be continued until ordered out, and charged accordingly.

All Advertisements intended for publication in this paper, must be deposited in the Office by Tuesday evening.

All communications addressed to the Editor, (POST PAID) will be promptly and strictly attended to.

President's Message.

(Continued.)

Our experience under the act passed at the last session, to grant pre-emption rights to settlers on the public lands, has as yet been too limited to enable us to pronounce with safety upon the efficacy of its provisions to carry out the wise and liberal policy of the Government in that respect. There is, however, the best reason to anticipate favorable results from its operation. The recommendations formerly submitted to you in respect to a graduation of the price of the public lands, remain to be finally acted upon. Having found no reason to change the views then expressed, your attention to them is again respectfully requested.

Every proper exertion has been made, and will be continued, to carry out the wishes of Congress in relation to the tobacco trade, as indicated in the several resolutions of the House of Representatives and the legislation of the two branches. A favorable impression has, I trust, been made in the different foreign countries to which particular attention has been directed; and although we cannot hope for an early change in their policy, as in many of them, a convenient and large revenue is derived from monopolies in the fabrication and sale of this article; yet, as these monopolies are really injurious to the people where they are established, and the revenue derived from them may be less injuriously & with equal facility obtained from another and a liberal system of administration, we cannot doubt that our efforts will be eventually crowned with success, if persisted in with temperate firmness, and sustained by prudent legislation.

In recommending to Congress the adoption of the necessary provisions of this session for taking the next census, or enumeration of the inhabitants of the United States, the suggestion presents itself whether the scope of the measure might not be usefully extended, by causing it to embrace authentic statistical returns of the great interests specially entrusted to, or necessarily affected by, the legislation of Congress.

The accompanying report of the Secretary of War, presents a satisfactory account of the state of the army, and of the several branches of the public service, confided to the superintendence of that officer.

The law increasing and organizing the military establishment of the United States has been nearly carried into effect, and the army has been extensively and usefully employed during the past season.

I would again call to your notice, the subjects connected with, and essential to the military defenses of the country, which were submitted to you at the last session; but which were not acted upon, as is supposed, for want of time. The most important of them, is the organization of the militia on the maritime and inland frontiers. This measure is deemed important, as it is believed that it will furnish an effective volunteer force in aid of the regular army, and may form the basis for a general system of organization for the entire militia of the United States. The erection of a national foundry and gunpowder manufactory, and one for making small arms, the latter to be situated at some point west of the Alleghany mountains, all appear to be of sufficient importance to be again urged upon your attention.

The plan proposed by the Secretary of War for the distribution of the forces of United States in time of peace, is well calculated to promote regularity and economy in the fiscal administration of the service, to preserve the discipline of the troops, and to render them available for the maintenance of the peace and tranquility of the country. With this view, likewise, I recommend the adoption of the plan presented by that officer for the defence of the western frontier. The preservation of the lives and property of our fellow-citizens, who are settled upon that border country, as well as the existence of the Indian population, which might be tempted, by our want of preparation, to rush on their own destruction, and attack the white settlements, all seem to require that this subject should be acted upon without delay, and the War Department authorized to place that country in a state of complete defence against any assault from the numerous and warlike tribes which are congregated on that border.

It affords me sincere pleasure to be able to apprise you of the entire removal of the

Cherokee nation of Indians to their new homes west of the Mississippi. The measures authorized by Congress at its last session, with a view to the long standing controversy with them, have had the happiest effects. By an agreement concluded with them by the commanding general in that country, who has performed the duties assigned to him on the occasion with commendable energy and humanity, their removal has been principally under the conduct of their own chiefs, and they have emigrated without any apparent reluctance.

The successful accomplishment of this important object; the removal, also, of the entire Creek nation, with the exception of a small number of fugitives amongst the Seminoles in Florida; the progress already made towards a speedy completion of the removal of the Chickasaws, the Choctaws, the Potawatamies, the Ottawas, and the Chippewas, with the extensive purchases of Indian lands during the present year, have rendered the speedy and successful result of the long established policy of the Government upon the subject of Indian affairs, entirely certain. The occasion is, therefore, deemed a proper one to place this policy in such a point of view as will exonerate the Government of the United States from the undesired reproach, which has been cast upon it through several successive administrations. That a mixed occupancy of the same territory, by the white and red man, is incompatible with the safety or happiness of either, is a position in respect to which, there has long since ceased to be room for a difference of opinion. Reason and experience have alike demonstrated its impracticability. The bitter fruits of every attempt heretofore, to overcome the barriers interposed by nature, have only been destruction both physical and moral, to the Indian; dangerous conflicts of authority between the Federal and State Governments; and detriment to the individual prosperity of the citizen, as well as to the general improvement of the country.

The remedial policy, the principles of which were settled more than thirty years ago, under the administration of Mr. Jefferson, consists in an extinction, for a fair consideration, of the title to all the lands still occupied by the Indians within the States and territories of the United States; their removal to a country west of the Mississippi, such more extensive, and better adapted to their condition, than that on which they then resided; the guarantee to them, by the United States, of their exclusive possession of that country; forever, exempt from all intrusion by white men, with ample provisions for their security against external violence and internal dissensions, and the extension to them of suitable facilities for their advancement in civilization. This has not been the policy of particular administrations only, but of each in succession, since the first attempt to carry it out, under that of Mr. Monroe. All have labored for its accomplishment, only with different degrees of success. The manner of its execution has it is true, from time to time, given rise to conflicts of opinion and unjust imputations; but in respect to the wisdom and necessity of the policy itself, there has not, from the beginning, existed a doubt in the mind of any calm, judicious, disinterested friend of the Indian race, accustomed to reflection and enlightened by experience.

Occupying the double character of contractor on its own account, and guardian for the parties contracted with, it was hardly to be expected that the dealings of the Federal Government with the Indian tribes would escape misrepresentation. That there occurred in the early settlement of this country, as in all others, where the civilized race has succeeded to the possession of the savage, instances of oppression and fraud on the part of the former, there is too much reason to believe. No such offences can, however, be justly charged upon this Government since it became free to pursue its own course. Its dealings with the Indian tribes have been just and friendly throughout its efforts for their civilization constant, and directed by the best feelings of humanity; its watchfulness in protecting them from individual frauds, unrelenting; its forbearance under the keenest provocations, the deepest injuries, and the most flagrant outrages, may challenge at least a comparison with any nation, ancient or modern, in similar circumstances; and if in future times a powerful, civilized and happy nation of India, shall be found to exist within the limits of this northern continent, it will be owing to the consummation of that policy, which has been so unjustly assailed. Only a very brief reference to facts, in confirmation of this assertion, can in this form be given, and you are, therefore, necessarily referred to the report of the Secretary of War for further details. To the Cherokees, whose case has perhaps excited the greatest share of attention and sympathy, the United States have granted in fee, with a perpetual guarantee of exclusive and peaceable possession, 13,554,135 acres of land, on the west side of the Mississippi, eligibly situated, in a healthy climate, and in all respects better suited to their condition than the country they have left in exchange for only 9,492,100 acres on the east side of the same river. The United States have in addition stipulated to pay them five million six hundred thousand dollars for their interest in improvements on the lands thus relinquished, and \$1,160,000 for subsistence and other beneficial purposes, thereby putting it in their power to become one of the most wealthy and independent separate communities of the same extent, in the world.

By the treaties made and ratified with

the Miami, the Chippewas, the Sioux, the Sacs, Foxes and Winnebagoes, during the last year, the Indian title to eighteen million four hundred and fifty eight thousand acres has been extinguished. These purchases have been much more extensive than those of any previous year, and have very heavily upon the Treasury. They leave, however, but a small quantity of unbought Indian lands within the States and Territories, and the Legislature and Executive were equally sensible of the propriety of a final and more speedy extinction of Indian titles within those limits. The treaties which were, with a single exception, made in pursuance of previous appropriations for defraying the expenses, have subsequently been ratified by the Senate, and received the sanction of Congress, by appropriations necessary to carry them into effect. Of the terms upon which these important negotiations were concluded, I can speak from direct knowledge, and I feel no difficulty in affirming, that the interest of the Indians in the extensive territory embraced by them, is to be paid for at its fair value, and that no more favorable terms have been granted to the United States, than would have been reasonably expected in a negotiation, with civilized men, fully capable of appreciating and protecting their own rights. For the Indian title to 116,874,897 acres, acquired since the 4th of March, 1829, the United States have paid \$72,360,006, in permanent annuities, lands, reservations for Indians, expenses of removal and subsistence, merchandise, mechanical and agricultural, establishments and implements. When the heavy expense incurred by the United States, and the circumstance that so large a portion of the entire territory will be forever unsaleable, are considered, and this price is compared with that for which the United States sell their own lands, no one can doubt that justice has been done to the Indian in these purchases also. Certain it is, that the transactions of the Federal Government with the Indians have been uniformly characterized by a sincere and paramount desire to promote their welfare; and it must be a source of the highest gratification to every friend to justice and humanity, to learn, that notwithstanding the obstructions from time to time thrown in its way, and the difficulties which have arisen from the peculiar and impracticable nature of the Indian character, the wise, humane, and unobscured policy of the government in this, the most difficult of all our relations, foreign or domestic, has at length been justified to the world, in its near approach to a happy and certain consummation.

The condition of the tribes which occupy the country set apart for them in the West, is highly prosperous, and encourages the hope of their early civilization. They have for the most part, abandoned their hunter state, and turned their attention to agricultural pursuits. All those who have been established for any length of time in that fertile region, maintain themselves by their own industry. There are among them traders of no inconsiderable capital, and planters exporting cotton to some extent; but the greater number are small agriculturists, living in comfort upon the produce of their farms. The recent emigrants, although they have in some instances removed reluctantly, have readily acquiesced in their unavoidable destiny. They have found a recompense for past sufferings, and an incentive to industrious habits, in the abundance and comforts around them. There is reason to believe that all these tribes are friendly in their feelings towards the United States; and it is to be hoped that the acquisition of individual wealth, the pursuits of agriculture, and habits of industry, will gradually subvert their warlike propensities, and incline them to maintain peace among themselves. To effect this desirable object, the attention of Congress is solicited to the measures recommended by the Secretary of War, for their future government and protection, as well from each other as from the hostility of the warlike tribes around them, and the intrusions of the whites. The policy of the Government has given them a permanent home, and guaranteed to them its peaceful and undisturbed possession. It only remains to give them a government and laws which will encourage industry, and secure to them the rewards of their exertions. The importance of some form of government cannot be too much insisted upon. The earliest effects will be to diminish causes and occasions for hostilities among the tribes, to inspire an interest in the observance of laws to which they will have themselves assented, and to multiply the securities of property, and motives for self-improvement. Intimately connected with this subject, is the establishment of the military defenses recommended by the Secretary of War, which have been already referred to. Without them, the Government will be powerless to redeem its pledges of protection to the emigrating Indians against the numerous warlike tribes that surround them, and to provide for the safety of the frontier settlers of the bordering States.

The case of the Seminoles, constitutes at present the only exception to the successful efforts of the Government to remove the Indians to the homes assigned them west of the Mississippi. Four hundred of this tribe emigrated in 1836, and fifteen hundred in 1837 and 1838, leaving in the country, it is supposed, about 2,000 Indians. The continued treacherous conduct of these people, the savage and unprovoked murders they have lately committed, butchering whole families of the settlers of the territory, without distinction

of age or sex, and making their way into the very heart and centre of the country, so that no part of it is free from their ravages. Their frequent attacks on the light houses along the dangerous coast, and the barbarity with which they have murdered the passengers and crews of such vessels as have been wrecked, upon the reefs and keys which border on the gulf, leave the Government no alternative but to continue the military operations against them until they are totally expelled from Florida.

There are other motives which would urge the Government to pursue this course towards the Seminoles. The United States have fulfilled, in good faith, all their treaty stipulations with the Indian tribes, and have in every other instance insisted upon a like performance of their obligations. To relax from this salutary rule, because the Seminoles have maintained themselves so long in the territory they had relinquished, and in defiance of their frequent and solemn engagements, still continue to wage a ruthless war against the United States, would not only evidence a want of constancy on our part; but be of evil example in our intercourse with other tribes. Experience has shown that but little is to be gained by the march of armies through a country so intersected with inaccessible swamps and marshes, and which, from the fatal character of the climate, must be abandoned at the end of the winter. I recommend, therefore, to your attention, the plan submitted by the Secretary of War, in the accompanying report, for the permanent occupation of the portion of the territory freed from the Indians, and the more efficient protection of the people of Florida from their inhuman warfare.

From the report of the Secretary of the Navy, herewith transmitted, it will appear that a large portion of the disposable naval force is either actively employed, or in a state of preparation for the purpose of experience and discipline and the protection of our commerce. So effectual has been this protection, that so far as the information of Government extends, not a single outrage has been attempted in a vessel, carrying the flag of the United States, within the present year, in any quarter, however distant or exposed.

The exploring expedition sailed from Norfolk on the 18th of August last, and information has been received of its safe arrival at the Island of Madeira. The best spirit animates the officers and crew, and there is every reason to anticipate, from its efforts, results, beneficial to commerce and honorable to the nation.

It will also be seen that no reduction of the force now in commission is contemplated. The unsettled state of a portion of South America renders it indispensable, that our commerce should receive protection in that quarter; the vast and increasing interests embarked in the trade of the Indian and China seas, in the whole fisheries of the Pacific ocean, and in the Gulf of Mexico, require equal attention to their safety; a small squadron may be employed to great advantage on our Atlantic coast in meeting sudden demands for the reinforcement of other stations, in aiding merchant vessels in distress, in affording active service to an additional number of officers, and in visiting the different ports of the United States, an accurate knowledge of which is obviously of the highest importance.

The attention of Congress is respectfully called to that portion of the report recommending an increase in the number of smaller vessels, and to other suggestions contained in that document. The rapid increase and wide expansion of our commerce, which is every day seeking new avenues of profitable adventure—the absolute necessity of a naval force for its protection, precisely in the degree of its extension—a due regard to the national rights and honor—the recollection of its former exploits, and the anticipation of its future triumphs, whenever opportunity presents itself, which we may rightfully indulge, from the experience of the past, all seem to point to the navy as a most efficient arm of our national defence, and a proper object of legislative encouragement.

The progress and condition of the Post Office Department will be seen by reference to the report of the Postmaster General. The extent of post roads, covered by mail contracts, is stated to be 134,815 miles, and the annual transportation upon them 34,580,202. The number of post offices in the United States is 12,553; and rapidly increasing. The gross revenue for the year ending on the 30th day of June last, was \$4,262,145. The accruing expenditures, \$4,980,063; excess of expenditures \$417,923. This has been made up out of the surplus previously on hand. The cash on hand on the 1st inst., was \$314,006. The revenue for the year ending June thirtieth, 1838, was \$161,540 more than that for the year ending on the 30th of June, 1837. The expenditures of the department, had been graduated upon the anticipation of a largely increased revenue. A moderate curtailment of mail service consequently became necessary, and has been effected, to shield the department against the danger of embarrassment. Its revenue is now improving, and will soon resume its onward course in the march of improvement.

Your particular attention is requested to so much of the Postmaster General's report as relates to the mails upon rail roads. The laws on that subject do not seem adequate to secure that service, now become almost essential to the public interests, and at the same time, protect the department from combinations and unreasonable demands.

Not less I do earnestly request your at

tention to the necessity of providing a more secure lodging for this department. The danger of destruction to which its important books and papers are continually exposed, as well from the highly combustible character of the building occupied, as from that of others in the vicinity, calls loudly for prompt action.

Your attention is again earnestly invited to suggestions and recommendations submitted at the last session, in respect to the District of Columbia.

I feel it my duty also to bring to your notice, certain proceedings at law which have recently been prosecuted in this District, in the name of the United States, on the relation of Messrs. Stockton and Stokes of the State of Maryland, against the P. Master General, and which have resulted in the payment of money out of the National Treasury, for the first time since the establishment of the Government, by judicial compulsion, exercised by the common law writ of mandamus, issued by the circuit court of this District.

The facts of the case, and the grounds of the proceedings, will be found fully stated in the report of the decision; and any additional information which you may desire will be supplied by the proper department. No interference in the particular case, is contemplated. The money has been paid; the claims of the prosecutors have been satisfied; and the whole subject, so far as they are concerned, is finally disposed of; but it is on the supposition that the case may be regarded as an authoritative exposition of the law as it now stands, that I have thought it necessary to present it to your consideration.

The object of the application to the circuit court was to compel the Postmaster General, to carry into effect an award made by the Solicitor of the Treasury, under a special act of Congress for the settlement of certain claims of the relations on the Post Office Department, which award the Postmaster General declined to execute in full, until he should receive further legislative direction on the subject. If the duty imposed on the Postmaster General, by that law, was to be regarded as one of an official nature, belonging to his office as a branch of the Executive, then it is obvious that the constitutional competency of the judiciary to direct and control him in its discharge was necessarily drawn in question. And if the duty so imposed on the Postmaster General, was to be considered as merely ministerial and not executive, it yet remained to be shown that the Circuit Court of this District had authority to interfere by mandamus, such a power having never before been asserted or claimed by that court. With a view to the settlement of these important questions, the judgment of the Circuit Court was carried, by a writ of error, to the Supreme Court of the United States. In the opinion of that tribunal, the duty imposed on the Postmaster General was not an official executive duty, but one of a merely ministerial nature. The grave constitutional questions, which had been discussed, were, therefore, excluded from the decision of the case; the court, indeed, expressly admitting that, with powers and duties properly belonging to the Executive, no other department can interfere by the writ of mandamus; and the question, therefore, resolved itself into this:—Has Congress conferred upon the circuit court of this District, the power to issue such a writ to an officer of the General Government, commanding him to perform a ministerial act? A majority of the Court have decided that it has, but have founded their decision upon a process of reasoning which, in my judgment, renders further legislative provision indispensable to the public interest, and the equal administration of justice.

It has long since been decided by the Supreme Court, that neither that tribunal nor the Circuit Courts of the U. States, held within the respective States, possess the power in question, but it is now held that this power, denied to both these high tribunals, (to the former by the Constitution, and to the latter by Congress,) has been, by its legislation, vested in the Circuit Court of this District. No such direct grant of power to the Circuit Court of this District is claimed, but it has been held to result, by necessary implication, from several sections of the law establishing the court. One of these sections declares, that the laws of Maryland, as they existed at the time of the secession, should be in force in that part of the District ceded by that State; and by this provision the common law, in civil and criminal cases, as it prevailed in Maryland in 1801, was established in that part of the District.

In England, the Court of King's Bench—because the Sovereign, who, according to the theory of the Constitution, is the fountain of justice, originally sat there in person, and is still deemed to be present in construction of law—alone possesses the high power of issuing the writ of mandamus, not only in inferior jurisdictions and corporations, but also to magistrates and others, commanding them, in the King's name, to do what their duty requires, in cases where there is a vested right, and no other specific remedy. It has been held, in the case referred to, that as the Supreme Court of the United States is, by the Constitution, rendered incompetent to exercise this power, and as the circuit court of this District is a court of general jurisdiction in the District, the right to issue the writ of mandamus is incident to its common law powers. Another ground relied upon to maintain the power in question is, that it was included, by fair construction, in the power it granted to the circuit courts of the U. States, by the act to provide for the

venient organization of the courts of the U. S., passed 14th of February, 1801; that the act establishing the circuit court of this District, passed the 27th of February, 1801, conferred upon that court and the judges thereof, the same powers as were by the laws vested in the circuit court of the U. States and in the judges of the said courts; that the repeal of the first mentioned act, which took place in the next year, did not divest the circuit court of this District of the authority, in dispute, but left it still clothed with the powers over the subject which, it is conceded, were taken away from the circuit courts of the U. S., by the repeal of the act of 13th February, 1801.

Admitting that the adoption of the laws of Maryland for a portion of this District, confers on the circuit court thereof, in that portion, the transcendent extra judicial prerogative powers of the Court of King's Bench, in England, or that either of the acts of Congress, by necessary implication, authorize to an officer of the United States, to compel him to perform a ministerial duty, the consequences are, in one respect, the same. The result in either case is, that the officers of the United States, stationed in different parts of the United States, are, in respect to the performance of their official duties, subject to different laws and a different supervision, those in the States to one rule, and those in the District of Columbia to another and a very different one. In the District their official conduct is subject to a judicial control, from which in the States they are exempt.

Whatever difference of opinion may exist as to the expediency of vesting such a power in the judiciary, in a system of government constituted like that of the U. States, a full must agree that these disparaging discrepancies in the law and in the administration of justice ought not to be permitted to continue; and as Congress alone can provide the remedy, the subject is unavoidably presented to your consideration.

M. VAN BUREN.
WASHINGTON, December 3, 1838

CAROLINA HOTEL.



HAMBURG, SOUTH CAROLINA.
The undersigned begs leave to inform his friends and the public in general, that this Hotel has undergone thorough repair, and that he is now prepared for the reception and accommodation of Permanent Boarders, as well as Travellers and Transient VISITORS.

He would observe, that those who may favor him with a call, shall find themselves agreeably and comfortably provided for. His table is supplied with all the substantial requisites of good living, together with every delicacy and refreshment, that the markets of South Carolina can afford, with the attention of active servants and a faithful hostler. His Bar is stored with liquors of the choicest kind.

With the confident assurance of giving full satisfaction, he solicits his old friends, and the public in general, to favor him with a call. Drivers can be accommodated with stables and lots for stock.

Dec 15, 1838
The Green Village Mountaineer, and Pendleton Messenger will insert the above for six weeks, and send their accounts to the subscriber in Hamburg.
A. K.

AMERICAN HOTEL.



HAMBURG, S. C.
The Subscriber takes great pleasure in informing his friends & the public generally, that he has opened his large and commodious House, and will be very thankful to them for a liberal share of their patronage. He draws himself, that from the experience of the Lady who has charge of the domestic affairs of the House, also his Servants and Hostlers, together with his own will and disposition to please, that general satisfaction may be given. The situation of the House affords a convenience, particularly desirable to persons who may have business to attend to, or who may wish to take the Rail Road Car for Charleston; and his Stable lots are large and well prepared for the accommodation of Gentlemen who may have Stock for sale.

G. W. MAYSON.
Oct. 24, 1838
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Village Property for Sale.



I will offer for sale, on the first Monday in January next, to the highest bidder, the House in the Village of Edgefield, now occupied by Smith & Frazier as a Dry Goods Store. Possession to be given in a few days. Terms one and two years credit, with note and approved security.
B. A. WALLACE.
Dec. 18, 1838
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NOTICE.



I OFFER at private sale, my Residence, in the corporate limits of the town of Edgefield. There are 16 acres of land, on which are a good Dwelling House, recently repaired and improved, and all necessary out-buildings. The terms will be made according to an approved purchaser. For further particulars apply on the premises, or to my office.
GEO. POPE.
Dec 10, 1838
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Notice.

ALL persons indebted to the Estate of Stephen Terry, sen. deceased, are requested to make immediate payment, and those having demands to present them properly attested.
S. C. TERRY, Admr.
Nov 6, 1838
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For Sale.

MY HOUSE and LOT, in the Village of Edgefield, upon terms to suit a purchaser. In my absence, apply to Col. Bankett.
JAMES JONES.
April 22
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